


release is too speculative to afford him a constitutionally cognizable claim to the "right" to a particular time-earning status, a right the Texas legislature has specifically denied creating. *Malchi v. Thaler*, 211 F.3d 953 (5th Cir. 2000). As petitioner does not have any liberty interest in any particular time earning status, a delay in consideration for mandatory release due to loss of time-earning status does not support a constitutional claim.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DENIED.

IT IS SO ORDERED.

ENTERED this 10th day of October 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE